IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6639 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? -

2. To be referred to the Reporter or not? -

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3. Whether Their Lordships wish to see the fair copy of the judgement? -

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? -

5. Whether it is to be circulated to the Civil Judge? -

MAHMADHUSAIN NIZAMMIYA

Versus

DY. COMMISSIONER OF POLICE ADMINISTRATIVE

Appearance:

MR AR SHAIKH WITH MR IS SUPEHIA for Petitioner

MR VB GHARANIYA AGP for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH
Date of decision: 03/11/98

ORAL JUDGEMENT

This petition has been filed for quashing the order of dismissal from service dated 18-10-88 which was confirmed by the appellate authority on 28-4-1989 and also confirmed in revision by the order dated 18-4-91 and thereafter confirmed by the Government in revision by the order dated 7-5-92 and reinstating the petitioner in service with all the consequential benefits including back wages with interest.

2. The petitioner was appointed as an Unarmed Police Constable in the year 1959. Thereafter, he was promoted to the post of Unarmed Head Police Constable in the year 1980. In the year 1987 the petitioner was serving as the Unarmed Head Constable in city of Vadodara. The petitioner was charge-sheeted by the memo dated 22-9-87 that "he being a Police Officer in that he committed breach of Rule 7 of the Gujarat Civil Services (Conduct) Rules, 1971. He became a member on 7-1-87 of "Delight Zymkhana" situated in Makarpura, G.I.D.C. which carries on illegal and immoral activities like showing blue films and on 4-3-87 at 19-40 hours he was found watching a blue film in that Institution." The disciplinary proceedings were initiated against the petitioner and the inquiry was conducted by the Superintendent of Police (C) Division, Vadodara city. During the inquiry the department had examined seven witnesses. Chandrakant Punamchand Rajput and Navinbhai Dhanjibhai Pandya who were pancha witnesses and signed the panchanama but they were declared hostile as they did not support the version of the department. M.G. Solanki, PSI and Y.J. Rana, PSI were the member of raiding party. The raid was arranged by K.M. Chauhan, PSI. J.J. Sindhi, PSI, PCB, investigated the case. AHC Sukhdev Manga was also examined to prove the membership issued by the said Delight Zymkhana. After going through the entire record the Inquiry Officer held that Delight Zymkhana was carrying on immoral and illegal activities and the petitioner has become a member of the said Institute on 7-1-1987. Thus, he has committed breach of Rule 7 of the Gujarat Civil Service (Conduct) Rules 1971 regarding becoming a member of the Delight Zymkhana. Looking to the panchanma produced during the departmental inquiry and the statement of the Officer dated 5-3-1987 it appeared to the Inquiry Officer that on 4-3-87 at 19-40 hours P.S.I. Shri K.M. Chauhan and other police officers raided at Delight Zymkhana and at that time the

delinquent was present there and at that time blue film "Flash Garden" was going on and the delinquent was caught from that place along with the other accused. Deputy Commissioner of Police, North Division, Vadodara city found the charge against the petitioner proved completely and beyond doubt and confirmed the proposed penalty of dismissal from service by the order dated 18-10-1988. The petitioner being aggrieved with the order of the Disciplinary Authority preferred appeal before the Police Commissioner, Vadodara City who after going through the record found no merit in the appeal. Accordingly, the appeal was dismissed and penalty imposed by the Disciplinary Authority was confirmed. The petitioner filed revision application before the D.G. and I.G.P. Ahmedabad, Revisional Authority, who considered all the facts and circumstance of the case and also acquittal by the Court of law and found no merit in the revision and dismissed the same maintaining the order passed by the D.C.P. Vadodara City by the order dated 18-4-1991. Thereafter the petitioner preferred revision against his dismissal before the Government of Gujarat, Home Department, by the order dated 7-5-1994 under the power vested in the Government under Section 27-A of the Bombay Police Act and rejected the revision application of the petitioner. Being aggrieved by the order of the authorities below, the petitioner has preferred this petition in this Court.

3. Heard learned counsel for the parties at length and perused the relevant papers on record. Learned counsel for the petitioner submitted that the petitioner has served in the department for 30 years and he has been awarded 10 rewards and the department ignored to consider continuous service of 30 years of the Government and previous conduct in inflicting extreme penalty. He relied upon the decision in the case of Mohanbhai Dungarbhai Parmar Vs. Y.B. Zala and Anr. reported in 1979 (20) 417 wherein learned counsel of the petitioner of that case had submitted that instructions had been issued in regard to imposition of punishment on police constables who were found guilty of any fault and the instructions which were quoted are as follows :

"(1) Suitability of a punishment should be carefully considered. Punishment should fit the default, be sufficiently deterrent without being harsh, and above all prompt in its application, i.e. immediately felt.

(2) They should not be erratic and unjustifiable, Petty and trivial defaults

committed by Policemen should not be met with severe punishment. For instance a constable who has a clean record and earned two or three rewards for good work, should not be punished with extra drill for attending parade or some miscellaneous duty late by a few minutes. An Officer should not ordinarily resort to extra drill or proceedings unless the delinquent has been cautioned, warned and reprimanded.

(3) The best method of correcting a Policemen is to inflict upon him all types of departmental punishments increasing their intensity step by step. If minor punishment such as reprimand, extra drill etc. have no effect on a delinquent, a major punishment such as reduction in pay is called for. If, however, even this has no effect on him then he must be removed from service. Removing a man from service without first awarding him minor punishments and lastly a major punishment will mean that proper steps were not taken to correct him in time and make him a useful member of the Force. The degree of severity of punishment should depend upon the seriousness of the default and incorrigibility of the man and should aim as for as circumstances permit at improving and giving a chance to delinquents concerned.

(4) Stoppage of an increment not due for several months would not be a suitable punishment in a majority of cases it would not come into operation until the default has become a thing of the past and so might seem unreasonable and unjust at the time of its incidence.

(5) In inflicting punishment the general character of the officer affected and his past service should be taken into consideration. Removal from service, for instance in the case of a Police Officer of different character with one or two year's service is scarcely a punishment where as to a Police Officer of 15 or more year's service and good character, it means ruin.

(6) It is not correct to convict and punish a Police Officer. However high or low merely on suspicion or insufficient evidence. The procedure should be qua-judicial. If an offence is proved beyond doubt and it happens to be serious, obviously a severe penalty is called

for, but, on the other hand if an offence is not proved and the papers demand that benefit of doubt must be given to the delinquent, officers should state their opinion clearly and acquit the delinquent of the charges levelled against him."

4. Learned counsel for the petitioner also relied on the decision in the case of Sardarsingh Devisingh Vs. D.S.P., Sabarkantha and Anr. delivered in Special Civil Application No. 197 of 1979 by this Hon'ble Court wherein it has been held that "When an authority is conferred with the power to inflict one of the several penalties such as caution or censure, reprimand, extra drill or duty, fine, stoppage of increments, reduction in rank, removal or dismissal, it is obvious that the authority must give a serious thought to the question of choice of penalty. The choice cannot be arbitrary but must depend on the nature of misconduct established in a given case. Just as a road roller cannot be brought to crush a fly, so also the extreme penalty of dismissal cannot be inflicted for misconduct which is not equally grave. The consequences of removal or dismissal from service are severe. Sometimes the entire family is ruined because another job or work may not be easy to find and, therefore, it is all the more necessary that the punishment of removal/dismissal should be invoked sparingly and in cases which can be described as gross, such as, receiving illegal gratification, misappropriation or defalcation of public funds, behaviour which is morally reprehensible, gross abuse or misuse of authority.

5. I have considered the various contentions of the learned counsel for the parties. The case of Moahanbhai Dungarbhai Parmar (Supra) relates to reporting late on a particular day 1 or 1/2 years ago and show cause notice for the lapses was issued and the question was decided and that would and would not be one of grounds to initiate disciplinary proceedings and delay by itself constitutes denial of reasonable opportunity to defend and this is violative of principle of natural justice. The matter in the case of Mohanbhai Dungarbhai Parmar (supra) was in respect of institution of the departmental proceedings after inordinate delay wherein the allegations were made against the inquiry officer. While in the present case, the allegation is regarding misconduct in respect of membership of the petitioner of an institution which is carrying on illegal and immoral activities. The petitioner was caught red handed at the spot when the blue film "Flash Garden" was being displayed. The facts of the present case and the facts

of the case law are entirely different one. So far as as the case of Sardarsingh Devisingh is concerned also relates to the absent without leave for a period of 150 days and it was considered that proper explanation could have been considered by the authority concerned. The facts of the case of Sardarsingh Devisingh (supra) are not applicable to the facts and circumstances of the present case. So far as continuous service of 30 years and awards are concerned, the Inquiry Officer has termed length of service of 28 year 8 months and 7 days and awards and minor penalty marked on the top of the inquiry report. As such, it cannot be said that during the departmental proceedings merits and length of service has not been considered by the authorities concerned.

6. Learned counsel for the petitioner next contended that the petitioner was prosecuted by the Court of Law and he was found innocent and for the same misconduct the disciplinary proceedings have been launched against him wherein he has been found guilty of the misconduct. There is no bar for drawing disciplinary proceedings. But the department should have honoured the decision of the Court of Law and particularly the matter in dispute is one and the same before the court of law as well as in the disciplinary proceedings. Once the petitioner has been acquitted by the Court of Law the proceedings should not have been initiated against him. In this regard the learned counsel for the petitioner has relied on the decision in the case of Himmatgiri Mohangiri Vs. K.S. Pavri and Ors. reported in G.L.T. 1977 (14) 66, wherein it has been held "It is still well-settled that there is no constitutional bar to departmental inquiry being held on the termination of a criminal proceeding in favour of a delinquent. There is also no statutory or legal bar against such proceedings. However, the State Government in its own wisdom laid down certain guiding principles to be followed in initiating departmental proceedings against Government servant who have been acquitted in a criminal trial on the same charge. These guiding principles are to be found in the Circular dated July 26, 1968 issued by the Government of Gujarat in the General Administration Department, by the said Circular, instructions in paragraph 6 of an earlier circular dated August 1, 1966 on the same subject were to some extent modified and certain fresh directives were given. According to the said directives, there was no objection in holding a departmental inquiry on identical set of facts and allegation on which the delinquent might have been previously tried and acquitted, provided (1) the Court recording the order of the allegations, or (2) it holds that the allegations are proved but that they do

not constitute the criminal offence with which the delinquent is charged and if such proved allegations are considered good and sufficient for taking disciplinary action, or (3) the charge in respect of which the departmental inquiry is proposed to be initiated is not identical with or similar to the charge in the criminal case and is not based on any allegations which have been negatived by the criminal court, or (4) if the concerned allegations had been examined by the Court but are considered good and sufficient for departmental disciplinary action. According to the said circular, however, if the facts or allegations had come to be examined by a Court of competent jurisdiction and the court has given a finding that the allegations are not true, then the consequent acquittal by the Court is required to be generally respected, even though it might be open to the competent authority to proceed against the delinquent departmentally on the same charge and taking therein a different view from that taken by the Court. He has also relied on the decision in the case of Abdul Hakim Ahmed Vs. District Superintendent of Police and others, reported in G.L.T. 1977 (14) Page 104, wherein it has been held "A departmental proceeding cannot be initiated as a matter of course or without anything more when the Court of law has acquitted the delinquent. It can be undertaken only if special circumstances are shown to exist. It would not be desirable to exhaustively adumbrate these circumstances. But the illustrative or typical situations can be by and large conceived. For instance - (i) the Court might have acquitted the accused on the ground of failure to obtain the requisite sanction or (2) the acquittal may be grounded on the circumstance that there was no sufficient evidence by reason of the fact that the prosecution witness had not remained present and the request made for adjournment to enable the prosecution to examine witnesses was not granted. (3) The charge was defective and trial was vitiated on account of prejudice occasioned to the accused. (4) When the case is that of circumstantial evidence and acquittal is rendered by extending benefit of doubt on the ground that the prosecution has failed to establish its case beyond reasonable doubt. (5) When some of the witnesses who implicate the accused are believed but other are not believed and in view of conflict of evidence acquittal is ordered on the doctrine of benefit of doubt. When evidence is appreciated and disbelieved, the very same evidence cannot be believed by the disciplinary authority and it is not open to the disciplinary authority to take just the contrary view to the view taken by the impartial objective judicial view. In fact, if the disciplinary authorities were to invent its own reasoning and to

record a finding on guilt, the order of dismissal passed by the disciplinary authority perverse. Though therefore, there is no absolute bar, it does not mean that in every case it is open to the disciplinary authority to record a contrary finding in disregard of the order of acquittal and to dismiss the Government servant on the same facts and same evidence.

7. I have considered the submission made on behalf of the petitioner that this fact has been considered and taken into account by the Government in the order dated 7-5-1992 wherein it was stated that after acquittal of the petitioner by the Court the decision of the disciplinary authority to hold the departmental inquiry on the basis of the evidence which has not accepted by the Court is against the principles of natural justice despite there being Circular of the Government in this regard the inquiry has been held and hence it is liable to be quashed and set aside. The Government considered the contention that the Court has acquitted the petitioner of some of the offences punishable u/s 292 and 294-A of the I.P. Code on the ground that the prosecution has failed to prove that at that time the said obscene film was being shown on T.V. and V.C.R. and hence the accused were acquitted. That being a technical ground the departmental action is legal as per the Circular of the G.A.D. dated 8-7-1970 bearing No. CDR/1069/298/G because the charge on which the petitioner was prosecuted in the Court is not the same in the departmental inquiry. Before the Court he was prosecuted for offences under Sections 292 and 294-A of the I.P.C. whereas in the departmental inquiry he has been charge sheeted for violation of Rule 7 of the Gujarat Civil Services (Conduct) Rules, 1971, in that he had become a member on 7-1-87 of an institution showing obscene films and carrying on illegal activities and on 4-3-87 he was caught watching a obscene blue film for which the charge sheet is given which has been proved on the basis of evidence produced in the departmental inquiry. Thus, both the charges are different and hence no question of setting aside the departmental action arises.

8. I have gone through the evidence on record in order to examine as to whether the charge relating to watching of the blue film has been established by the department. During the departmental proceedings eight persons namely Chandrakant Punamchand, Navinbhai Dhanjibhai Pandya, Sureshchandra Jhaverchandra Patel, M.G. Solanki, Y.J. Rana, K.M. Chauhan, J.J. Sindhi and Sukhdev Manga and Ambalal Punamchand Rajput and Navinbhai Dhanjibhai Pandya were examined though those

two who were independent witnesses of the raid have not supported the version of the department and they were declared hostile. But they have admitted their signature on the panchanama. Raid was organised by Sohel P.S.I. and P.S.I. K.M. Chauhan, P.S.I. Y.J. Rana and D.C.B. P.S.I. Shri M.G. Solanki accompanied and they have deposed that at the time of raid blue film was being displayed on the T.V. and V.C.R. and that blue film was "Flash Garden" and 22 cassettes including one which was in the VCR were recovered. The petitioner being responsible officer of the Police Department is not expected to participate in the illegal activities. If he is found seeing the blue film being displayed he should objected to it. He has failed to discharge his legal duties which are expected from him and he was also enjoying the blue film which was being displayed at the relevant time. The case was investigated by G.J. Sindhi and the witnesses have completely proved the version of the department. A.H.C. Sukhdev Manga has proved membership of the petitioner in the "Delight Zymkhana". The petitioner has also not denied that he was not member of that "Delight Zymkhana". The Magistrate appears to have considered the evidence of P.S.I. K.M. Chauhan that no blue film was displayed. Though from his statement, it appears that some film was being displayed at the relevant time. He might not have stated that "Flash Garden" was being displayed and the Magistrate found that the prosecution has not proved that the obscene film was going on TV and VCR at the relevant time. It appears that some obscene blue film was being displayed and the complainant has not specifically stated that blue film "Flash Garden" was being displayed on T.V. and V.C.R. and cassette of that blue film and other cassettes of blue films were also recovered from the spot. The independent witnesses examined did not support the prosecution before the Court of Law and hence they were declared hostile. It appears that the Magistrate has not found sufficient evidence to prove guilt of the accused persons including the petitioner and they were acquitted. On carefully examination of the facts and circumstances I found that the department has proved the charge against the petitioner in the departmental proceedings. I do not find any substance in the contention of the learned advocate for the petitioner.

9. Learned counsel for the petitioner next contended that the petitioner was not given reasonable opportunity of hearing and hence the order of dismissal is vitiated. He took me through the various applications which have been annexed with the petition as Annexure - J to Annexure R. Learned counsel for the petitioner then

contended that the petitioner was not allowed to be assisted by a person of his choice at the time of personal hearing before the departmental inquiry officer. Due to that reason no personal hearing was afforded to him. The petitioner gave the name of retired P.S.I. M.G. Raisinghani as his friend and the same was allowed. Shri Raisinghani assisted the petitioner at the initial stage of the departmental inquiry but after some time he could continue because of certain reasons. The petitioner thereafter indicated name of Head Constable Jashubhai Mahijibhai as a friend who conducted the remaining part of the disciplinary proceedings. The petitioner was not satisfied with the proper assistance of Head Constable Jasubhai Mahijibhai and hence he requested the Inquiry Officer to allow him to be represented by earlier friend Shri M.G. Raisinghani at the time of personal hearing in response of the show-cause notice. Since the name of friend was not communicated by the respondent no. 1, the petitioner by his letter dated 9-9-1988 requested that assistance of Shri Raisinghani may be allowed at the time of personal hearing. The Disciplinary Authority informed the petitioner by the letter dated 22nd September, 1988 that that since retired Police Inspector Shri Raisindhani is practising as an advocate he cannot be allowed to be kept as friend in view of the Government Circular dated 3-4-1987. The petitioner by the letter dated 28th September, 1988 informed the Disciplinary Authority that the Presiding Officer Shri B.G. Bhatt had already allowed his friend Shri M.G. Raisinghani but due to certain reasons he had to leave the petitioner. But the Disciplinary Authority again rejected request of the petitioner by the letter dated 30-9-1988. The petitioner again requested the Disciplinary Authority for assistance of Shri Raisinghani by the letter dated 5-10-88. But the request of the petitioner was also turned down by the Disciplinary Authority by the letter dated 7-10-1988. In the last, the petitioner by the letter dated 14-10-1988 requested the Disciplinary Authority to adjourn the disciplinary proceedings to find out a new friend. Instead of giving any more time or reply to his letter the Disciplinary Authority passed the order of dismissal on 18-10-1988. Thus, the petitioner has not been given reasonable opportunity of defending himself and in the eye of law the whole proceedings are vitiated. I have examined the submissions made on behalf of the petitioner. I do not find any substance in the contentions raised by the learned counsel for the petitioner inasmuch as the petitioner was afforded sufficient opportunity to accompany with a friend. In the last movement he sent the letter dated 14-10-1988 for

adjournment to appoint another friend and that letter does not appears to have been considered by the Disciplinary Authority as he has been given reasonable opportunity and it was not necessary for the Disciplinary Authority to give reply or to inform that his letter of request has been rejected.

10. Learned counsel for the petitioner further contended that there is no breach of Rule 7 of the Guajrat Civil Service (Conduct) Rules, 1971 as the petitioner has not joined the association and he has relied on the Rule 7 of the aforesaid Rules which reads as under :

"Rule 7 - Joining of Association by Government servants :

No Government servant shall, or continue to be a member of an association the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality."

11. According to the learned counsel for the petitioner, "Delight Zymkhana" is not an association and second the object of activities of "Delight Zymkhana" were not prejudicial to the interest of sovereignty of India or public or morality. There is no evidence to show that "Delight Zymkhana" is an association. It is a registered club having legal licence from the police authority concerned, for enjoying with playing cards. It was found during the departmental inquiry that the persons who were playing the cards were found at the time of raid and there was no evidence to infer that the obsence film "Flash Garden" was prohibited by law. Thus, the petitioner has not committed any misconduct within the meaning of Rule of the Bombay Civil Service (Conduct) Rules, 1971.

12. I have considered the submissions of the learned counsel for the petition. In my opinion it cannot be said that "Delight Gymkhana" is not an association. It is an association of certain members for entertainment but illegal activities are prohibited not only in the gymkhana but also at all the public places. At the relevant time, blue film was being displayed and hence it cannot be said that it was not running immoral and illegal activities. Thus, I find no substance in the contention of the learned counsel for the petitioner.

13. In the last, learned counsel for the petitioner

submitted that the punishment awarded to the petitioner is an extreme punishment which is dismissal from the service and that punishment is harsh and disproportionate. Other punishments are also provided and those punishments could be awarded. In this respect learned counsel for the petitioner relied on the decision in the case of Sardarsinh Vs. D.S.P., Sabarkantha (Supra). I considered the submissions of the learned counsel for the petitioner. No doubt the other punishments are also provided but in a proper case, dismissal can also be awarded. In the present case the petitioner being a Police Officer joined the institution which may or may not be carrying on immoral and illegal activities but at the relevant time the illegal activities were going on in that institution. Being police officer and member of the institution the petitioner should have intervened the management of Delight Zymkhana from showing the blue film in the said institution but he has not discharged his duties and he being a member involved by watching the blue film which was being displayed in the "Delight Gymkhana". I do not think that the punishment is harsh in the facts and circumstances of the case particularly the case of the petitioner has already been carefully examined by the disciplinary authority, appellate authority, the revisional authority and by the Government of Gujarat.

14. Learned counsel for the petitioner further submitted that the Disciplinary Authority has not considered Clause 16 of the Instructions of the State of Gujarat, Home Department dated September 19, 1968. Clause -16 of the said Instructions reads as under :-

"16. Suitability of Punishments :

(1) Suitability of a punishment should be carefully considered punishment should fit and default, he sufficiently deterrent without being harsh, and above, all prompt in its application i.e. immediately felt. For example, stoppage of an increment not due for several months, would not be a suitable punishment in a majority of cases since it would not come into operation until the default has become a thing of the past and so might seem unreasonable and unjust at the time of its incidence.

(2) In inflicting punishment the general character of the officer affected and his past service should be taken into consideration. Removal from service, for instance in the case of

a police officer or indifferent character with one or two year's service is scarcely a punishment whereas to a police officer of 15 or more year's service and good character, it means ruin.

(3) Police Officers found guilty of behaving improperly towards members of the public should be dealt with severely in the interest of creating and maintaining good relations between the police and the public.

(4) Similarly, insubordination warrants maximum punishment of dismissal from service, unless there are any extenuating circumstances or other valid answer to the charge, as becoming in such cases, tends to foster a sense of indiscipline and indifference towards superior officers.

(5) Fraud and dishonesty, corruption, continued and wilful negligence and all offences including moral disgrace meet with their appropriate punishment in dismissal.

(6) Purchase of cattle by a police officer at a sale had under the Cattle Trespass Act should be punished with dismissal.

(7) Attachment of pay by a court for more than 3 months and an application or relief by proceedings in insolvency entail dismissal. When the pay is attached to such an extent as to impair an officer's capacity or the performance of his duties, he should be suspended.

(8) Police officers borrowing money from their subordinates or from persons within the range of their authority may appropriately be punished with dismissal.

(9) Removal should be the penalty in all cases where it is not thought necessary to bear future reemployment under Government in another department for which the person may be suited and an order of removal should not be accompanied by any subsidiary orders which would operate as such a bar or otherwise prejudice the delinquent in question.

(10) Firing is seldom a good method of

> punishment. In one case only is fixing an indisputably good punishment and that is when applied to the regular police, namely, in the case of absence without leave, in which it appears very proper to regulate the amount of timely the number of days' absence. But even in this case, if the fine has to be frequently repeated so as to show habitual absence, the only remedy is to discharge, remove or dismiss the man. In case, if the penalty of reduction of pay is not possible, then in case of the delinquent being of the lowest grade, fine can be imposed.

15. Learned counsel for the State pointed out from the above Instructions of the Government that Clause (5) and (6) provide that fraud and dishonesty, corruption, continued and wilful negligence and all offences including moral disgrace meet with their appropriate punishment in dismissal. According to him, the present case falls under clause (5) of the above Instructions of the Government and the charges were fully proved and the Disciplinary Authority was fully justified to award the punishment of dismissal regarding the offences including moral disgrace.

16. I have considered the submissions of the learned counsel for the petition. In my opinion it cannot be said that "Delight Gymkhana" is not an association. It is an association of certain members for entertainment but illegal activities and immoral activities are prohibited not only in the gymkhana but at all the public places. At the relevant time, blue film was being displayed and hence it cannot be said that it was not running immoral and illegal activities. Thus, I find no substance in the contention of the learned counsel for the petitioner.

17. I do not think that the punishment of dismissal from the service is harsh in the circumstances of the case. Accordingly, I do not find any merit in the petition. Hence, the petition is dismissed. Rule is discharged, with no order as to costs. Interim relief, if any, stands vacated.

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